

MINNESOTA BOARD OF PHARMACY

SEVEN HUNDRED AND FORTY-FIRST MEETING

At approximately 9:00 a.m., October 24, 2001, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance. Also in attendance were the Board's Office Manager, Ms. Patricia Eggers, and Board Inspectors Mr. Les Kotek and Ms. Michele Boock.

After reviewing, revising, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of September 19, 2001. Mr. Tom Dickson then moved and Ms. Carol Peterson seconded that the minutes be approved as written. The motion passed.

The Board next turned its attention to applications to conduct new pharmacies, which it has received since its last meeting. The first such application was submitted on behalf of Coborn's Pharmacy, in Delano, Minnesota, by Mr. Marvin Moen, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Ms. Betty Johnson seconded that the application be approved subject to the naming of a permanent pharmacist-in-charge for the pharmacy, and subject also to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Community Clinics Pharmacy – West Side, in St. Paul, Minnesota, by Mr. Dan Rehrauer, Pharmacist-in-charge. Mr. Rehrauer is also requesting a variance in conjunction with this application for licensure. The variance relates to the size of the pharmacy and to an agreement that West Side Pharmacy will enter into, with Model Cities Pharmacy, for the dispensing of chronic medications. After carefully reviewing this application and variances associated with the application, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that the variance relating to the size of the pharmacy be approved for a 14-month period of time and that the application for licensure then be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Goodrich St. Francis Pharmacy, in St. Francis, Minnesota, by Ms. Stephanie Davis, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Jean Lemberg moved and Mr. Tom Dickson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The fourth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Olmsted Medical Center Pharmacy, in Rochester, Minnesota, by Mr. Paul Wittmer, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The fifth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Snyder's Drug Store, in Anoka, Minnesota, by Mr. Jerry Grooters, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Carol Peterson moved and Ms. Betty Johnson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The final application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Walgreens Pharmacy, in St. Anthony, Minnesota, by Mr. Gregory Berglund, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Chuck Cooper moved and Ms. Carol Peterson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with pharmacy Board rules dealing with licensure. The motion passed with Mr. Vern Kassekert abstaining.

The Board next turned its attention to the performance of candidates, for licensure by examination, that have completed all parts of the June 2001 Board examination. For full Board examination candidates, the Board determined that, in grading the examinations, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination weighted at 20% of the total, the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Eun Joong Katherine Oh	7966	117371-6
Wade P. Nagel	7967	117370-3
Minh Van Nguyen	7969	117373-2
Suzanne E. Doerr	7973	117376-1
Denise Hull Champion	7976	117379-0
Donna Marie Todoroff	7979	117382-6

The Board next addressed itself to the performance of the candidates for licensure by reciprocity that have taken the Multistate Pharmacy Jurisprudence Examination for Minnesota since the Board's last meeting. After a thorough review of the performance of candidates for licensure by reciprocity, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
7968	Ruth Stanley	AL
7971	Jeffrey Kyle Slywka	MI
7972	Traci Diane Mapes	OH
7974	Tricia Renae Crowell	IN
7975	Judianne Cynthia Sligh	NY
7977	Justin Horst Anderson	IA
7978	Randell Gene Peterson	ME

The Board next entered a discussion on the establishment of a committee to preliminarily review variance requests and make recommendations to the full Board in the future. It is proposed that the Variance Review Committee operate in a manner similar to that of the Continuing Education Committee, where the primary review of variance requests would occur at the committee level and a summary of the variance, together with the committee's recommendation, would be forwarded to the full Board for action. This proposal would save a considerable amount of time at the meeting of the full Board, but would still provide those requesting variances an opportunity to personally address the members of the Variance Review Committee and, if dissatisfied with the decision of the Variance Review Committee, to make a presentation before the full Board.

It is proposed that standardized forms for requesting new variances and extensions of existing variances be used and that the Variance Review Committee be composed of two Board members, two Board inspectors, and the Board's Executive Director.

After reviewing the proposal for the establishment of the Variance Review Committee, and the proposed forms for use by the Committee, the Board decided to take the matter under consideration until its meeting of December 2001 and, if the decision is made to go forward with the proposal at that time, Board members will be identified to serve on the Committee.

The Board next turned its attention to variance requests that have been submitted to the Board since its last meeting. The Board first addressed new variance requests that are receiving their first reading. The first such request was submitted on behalf of the Alliance Clinic Pharmacy, in Minneapolis, Minnesota, by Ms. Kaye Fischer, Pharmacist-in-charge, and Ms. Kathleen Wickstrom, Clinic Director. Since this variance request was generated as a result of discussions with Ms. Fischer and Ms. Wickstrom at the Board's meeting of September 19, 2001, the Board determined that it would consider this to be the second reading of this request.

Alliance Clinic is requesting a variance to Board of Pharmacy Rule 6800.2150, which states that when the pharmacy is closed, or there is no pharmacist on duty, other individuals shall not be allowed access to the pharmacy. Alliance Clinic's Pharmacy needs to be accessed by nursing staff when the consulting pharmacist is not on duty to assure that the methadone can be both obtained and securely stored. The pharmacy holds no other retail medication other than the prescribed methadone, which is locked in vaults in the pharmacy area.

The pharmacy area is secured by a specifically coded keypad, which only licensed nurses and the pharmacist have access to. The interior of the pharmacy is equipped with a motion detector, vibration sensor, door contacts, and specific combinations to the vaults. Again, only the licensed nurses and pharmacists have that combination. Both the keypad code and the vault combination can be changed upon an employee's termination from the clinic. After a discussion of this proposal, and a discussion of a point made by Pharmacy Surveyor Stu Vandenberg that the pharmacist should be given a printout, on a regular basis, of all who enter the pharmacy during the pharmacist's absence, Ms. Jean Lemberg moved and Mr. Vern Kassekert seconded that the Board grant the variance requested on a permanent basis upon condition that the Alliance Clinic provide the printouts to the pharmacist as was suggested by Inspector Vandenberg. The motion passed.

The next request for a new variance receiving its first reading was submitted on behalf of Community Clinic Pharmacy – West Side, by Mr. Jim Polucha, Director of Pharmacy Services at the four community clinics pharmacies. Mr. Polucha is requesting a variance that would allow Community Clinics Pharmacy – West Side to house manufacturer physician samples for the West Side Clinic. Under Mr. Polucha's proposal, the samples would be stored within the pharmacy in an area, specifically designated for samples, that is separate from the dispensing inventory at the pharmacy. When ordered by a physician, the pharmacist at Community Clinics Pharmacy – West Side would dispense the sample medications free of charge, but properly packaged and labeled.

In keeping with its policy of requiring two readings for each new variance request, the Board gave this request its first reading and will consider the variance for a second time at the Board's meeting of December 5, 2001. In the meantime, the Board requested that Mr. Holmstrom contact Mr. Polucha to obtain copies of the policies and procedures that will be followed relating to the handling of sample medications at Community Clinics Pharmacy – West Side.

The next request for a new variance receiving its first reading by the Board was submitted on behalf of Falls Memorial Hospital, by Ms. Mary Klimp, Chief Executive Officer. Ms. Klimp is requesting a variance to Minn. Rule 6800.7400, subp. 2, requiring five days a week on-site service by a pharmacist serving hospital pharmacies. Due to the full-time pharmacist at Falls Memorial Hospital leaving to take a new position, Falls Memorial will only have on-site pharmacist coverage for three days a week, eight hours a day, until such time as a new full-time pharmacist can be hired. After discussing this request and receiving additional information from Pharmacy Board Surveyor Les Kotek, Mr. Vern Kassekert moved and Ms. Carol Peterson seconded that the Board suspend its policy of requiring two readings for each new variance request and act on this request immediately. The motion passed.

Mr. Vern Kassekert moved and Ms. Carol Peterson seconded that the variance requested by Ms. Klimp be approved for a six-month period of time. If an extension of the variance is necessary after that time, the Board will request feedback from Ms. Klimp on the efforts made to hire a full-time pharmacist and the ability of the part-time pharmacist to meet the hospital's needs. The motion passed.

The next request for a new variance to be given its first reading by the Board was submitted on behalf of Fairview University Medical Center – Riverside Campus, by Mr. Scott Knoer, Pharmacist-in-charge. Mr. Knoer is requesting a variance that would allow the expansion of the Tech-Check-Tech program to include the verifying of batches of medications prepared for insertion into the Pyxis Automated Medication Distribution System at the hospital.

In discussing this request, the Board noted that it is identical to the request submitted on behalf of Fairview University Medical Center – University Campus, by Ms. Bonnie Senst, which is scheduled to receive its second reading. The Board next entered a discussion of the action it took in a similar variance request from the hospitals affiliated with the Mayo Clinic, in Rochester, Minnesota, and acted on by the Board at its January 2001 meeting. At that time, it was determined that the request by Mayo did not require a variance in that the bar coding technology being used was in compliance with the Board's guidelines and made the system foolproof.

The Board then requested that Ms. Senst and Mr. Knoer be invited to attend the Board's meeting in December to review the policies and procedures in place at the Fairview University Medical Center Campuses, so that a determination could be made whether a variance is even necessary here.

The Board next turned its attention to new variance requests receiving their second reading. The first request, for a new variance to receive its second reading, was submitted on behalf of Cuyuna Lakes Pharmacy, in Crosby, Minnesota, by Mr. Frank Ruzich, Pharmacist-in-charge, and by Mr. Bill Schommer, of Fairview Pharmacy Services. The Cuyuna Lakes proposal involves authorization to utilize the remote dispensing technology developed by Fairview to dispense medications to patients at the Longville Clinic, located in Longville, Minnesota, from the new Cuyuna Lakes Pharmacy, located in Crosby, Minnesota. Mr. Bill Schommer now, personally, appeared before the Board to discuss this request.

After discussing the Cuyuna Lakes Telepharmacy Project with Mr. Schommer, Ms. Betty Johnson moved and Mr. Vern Kassekert seconded that the telepharmacy proposal be approved for a one-year period of time. The motion passed.

The second request, for a new variance to receive its second reading, was also submitted by Mr. Bill Schommer, on behalf of Fairview Pharmacy Services, in Princeton, Minnesota. Specifically, Mr. Schommer is requesting authorization that would allow Fairview to utilize the ADDS automated dispensing system to dispense medications to patients in the ER/Urgent Care Department at the Princeton facility. The controlling pharmacy would be the hospital pharmacy at Fairview Southdale in Edina.

Mr. Schommer indicated the reason for the request is that there are many patients who are seen in either the ER or the Urgent Care Department at the Fairview Northland Hospital in Princeton after the retail pharmacy and the other pharmacies in town are closed. After a lengthy discussion with Mr. Schommer about the hours of proposed operation for the ADDS system, and the hours of operation of the other pharmacies in Princeton, Ms. Carol Peterson moved and Ms. Betty Johnson seconded that the Board table this proposal until the December Board meeting and, in the meantime, request that Mr. Holmstrom provide an opportunity for comment to the other pharmacies located in Princeton. The motion passed with Ms. Jean Lemberg abstaining.

The third request, for a new variance to receive its second reading, was also submitted by Fairview Pharmacy Services. Mr. Schommer, again, made himself available to discuss this request with the Board.

Fairview has a partnership with Ebenezer Park Apartments, an assisted-living community located in Minneapolis. Ebenezer would like Fairview Pharmacy Services to establish an OTC store for the convenience of their residents. In the process of discussing this proposal, the question arose as to whether or not Fairview could also arrange to have prescription medications delivered to this site for the residents and employees. The site would not, however, be licensed as a pharmacy. After discussing this issue with Mr. Schommer, and discussing the possibility of implementing a video link to provide patient to pharmacist conferencing at the OTC store, Mr. Vern Kassekert moved and Ms. Betty Johnson seconded that the Fairview request regarding the OTC store be approved, for a one-year period of time, on condition that the video link be established at that location. The motion passed.

The next request, for a new variance to receive its second reading, was submitted on behalf of Merwin's Long Term Care Pharmacy Services, in Minneapolis, Minnesota, by Stephen Langemo. Mr. Langemo is requesting a variance to Minn. Rule 6800.6100 and 6800.6700 pertaining to emergency kits in long term care facilities. Specifically, Mr. Langemo is requesting the opportunity to establish an emergency kit consisting of just two items, metronidazole tablets and zithromax tablets at the Hennepin County Home School in Minnetonka. After discussing this request, Mr. Vern Kassekert moved and Mr. Chuck Cooper seconded that the request by Mr. Langemo be denied in that it was the opinion of the Board that the treatment of STD in residents of the Hennepin County Home School is not an emergency situation and, if treatment was required, the medications could be delivered from a pharmacy. The motion passed.

The next request, for a new variance to receive its second reading, was submitted on behalf of Mille Lacs Health System Pharmacy, in Onamia, Minnesota, by Mr. Greg Steffenson, Pharmacist-in-charge. Mr. Steffenson was requesting a variance in order to provide coverage of the pharmacy on a part-time basis by local pharmacists in the event that full-time pharmacy coverage cannot be maintained. Mr. Steffenson is proposing that nurses at the facility, in cooperation with pharmacy technicians at the facility, be authorized to set up medications for checking by local pharmacists who would visit the facility at least twice a day.

After a lengthy discussion of this request, and after receiving input from Pharmacy Board Surveyor Les Kotek, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that the proposal for pharmacy coverage made by Mr. Steffenson be approved for a six-month period of time. The motion passed.

The next request, for a new variance to receive its second reading, was submitted on behalf of SMDC Pharmacy Services, in Duluth, Minnesota, by Mr. William Grammond, Manager of Operations. Mr. Grammond is requesting authorization to establish a telepharmacy service to a Duluth Clinic facility in Remer, Minnesota, which would be operated through the St. Mary's Hospital Outpatient Pharmacy in Duluth.

After noting that there are no other pharmacies in Remer, or within 20 miles of Remer, and noting that the telepharmacy distribution system would be used only for new prescription orders, Mr. Tom Dickson moved and Mr. Chuck Cooper seconded that the proposal made by Mr. Grammond be approved for a one-year period of time and that, if an extension is needed, SMDC be required to provide data regarding the extent to which the system was used and the extent to which any dispensing errors might have occurred. The motion passed.

The last request, for a new variance to receive its second reading, was also submitted on behalf of Thrifty White Pharmacy, in Hastings, Minnesota, by Mr. David Szatkowski, Pharmacist-in-charge. Mr. Szatkowski is requesting a variance regarding the checking of the original container from which the medication is withdrawn during the certification steps of completing a prescription order. Thrifty White, in Hastings, is utilizing a robotic filling device that essentially prevents the checking of the original manufacturer's container under normal circumstances. Mr. Chuck Cooper then moved and Mr. Vern Kassekert seconded that the variance requested by Mr. Szatkowski be approved for a one-year period of time.

At this time, Mr. Chuck Cooper introduced Mr. Richard Danila and Ms. Becky Weber, from the Minnesota Department of Health, and Mr. John VandeVoort, a pharmacist from Regents Hospital, and began a discussion of bioterrorism and the role pharmacists and the Board of Pharmacy will have to play in the event of a bioterrorist incident in Minnesota. During the discussion, the Board identified Executive Director David Holmstrom as being the contact person who would be involved in attempting to coordinate pharmacist activities in the event of such an incident.

At the conclusion of the presentation by Mr. Danila, the Board indicated that work should begin at the Board level to develop a disaster plan that could be implemented in the event of any type of natural or manmade disasters in Minnesota.

At the conclusion of the discussion, Mr. Chuck Cooper thanked Mr. Danila, Ms. Weber, and Mr. VandeVoort for their presentations and they departed from the meeting.

President Benson next began discussion of the package of potential rule changes being considered by the Board. Discussion focused on whether any portion of the potential rule change package might be controversial and whether potentially controversial sections should be separated out from the rest of the package prior to the publication of the notice of intent, or whether the Board should wait to see whether objections are raised during the public comment period. The decision was made to separate the potential change to Minn. Rule 6800.2150 from the remainder of the rule changes and to proceed with the rule changes in two packets. Mr. Chuck Cooper then moved and Mr. Vern Kassekert seconded the following resolution:

“RESOLVED, that David E. Holmstrom, the Executive Director of the Board of Pharmacy, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent To Adopt Rules using Alternate Notices of whether a hearing will be held governing Pharmacy Practice Including Lighting Standards, Patient Counseling, Internship, Controlled Substance Rescheduling, Expiration Dates, and Lunch Breaks for Pharmacists, Minnesota Rules 6800.0100 et seq. to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto.”

“FURTHER RESOLVED, that, if there are fewer than 25 outstanding hearing requests, Mr. Holmstrom, the Executive Director of the Board of Pharmacy, is hereby granted the authority and directed to sign the Order Adopting Rules and to perform any and all acts incidental thereto.”

“FURTHER RESOLVED, that, if there are 25 or more outstanding hearing requests, Mr. Holmstrom, the Executive Director of the Board of Pharmacy, is hereby granted the authority and directed to act as the Board’s representative at the hearing and to perform any and all acts incidental thereto.”

The motion passed.

There being no further business requiring action by the Board at this time, President Benson adjourned the meeting at approximately 2:00 p.m.

PRESIDENT

EXECUTIVE DIRECTOR